

## **Division VIII of Title 5 of the California Code of Regulations**

### **Proposed Amendments to 5 California Code of Regulations Section 80027 Pertaining to the General Education Limited Assignment Multiple or Single Subject Teaching Permits and Proposed Addition of Sections 80027.1 Pertaining to the Special Education Limited Assignment Teaching Permit and 80048.7 Pertaining to Added Authorizations in Special Education**

#### **Notice of Proposed Rulemaking**

The Commission on Teacher Credentialing proposes to amend regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

#### **Public Hearing**

A public hearing on the proposed actions will be held:

**April 23, 2009**

**1:00 p.m.**

**Los Angeles County Office of Education**

**9300 Imperial Hwy.**

**Downey, CA 90242**

#### **Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on April 20, 2009. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the California Commission on Teacher Credentialing, attn. Terri H. Fesperman, 1900 Capitol Avenue, Sacramento, California 95814-4213; or submit an email at [tfesperman@ctc.ca.gov](mailto:tfesperman@ctc.ca.gov).

Any written comments received 22 days prior to the public hearing will be included in the written Commission agenda. Written comments received after that date and up to April 20, 2009 will be included in an in-folder and presented to the Commission prior to the public hearing.

#### **Authority and Reference**

Education Code Section 44225 authorizes the Commission to promulgate rules and regulations which will implement, interpret or make specific sections 44225(b)(d)(e)(g) (q), 44253, 44256, 44265, 44280, 44281, 44282, 44300, and 44373 of the Education Code and govern the procedures of the Commission.

#### **Informative Digest/Policy Statement Overview**

##### *Summary of Existing Laws and Regulations*

##### *General Education Limited Assignment Permit*

The Limited Assignment Teaching Permit process was designed to allow fully credentialed general education teachers to teach outside of their authorized area while completing the

requirement to earn an additional authorization. A Limited Assignment Teaching Permit may be issued at the request of a local employing agency to fill a staffing vacancy or need. In addition, it allows flexibility for the local employing agencies, especially in rural and remote areas of the state, to assign an individual to teach in more than one subject area.

A new teacher needs time and assistance to learn how to teach and be successful in his or her first years of teaching in the subjects in which they are prepared. For this reason, teachers must either obtain permanent status (tenure) in a California employing agency before the employer can assign that teacher on the basis of a Limited Assignment Teaching Permit or the employing agency must assign an experienced educator in the subject area of the permit to assist the teacher who has not yet obtained permanent status.

There is a restriction on the number of years a teacher may serve on a Limited Assignment Teaching Permit. Since six semester units of course work or passage of two examinations appropriate to the credential are required for renewal, it seems unnecessary to allow assignments on a Limited Assignment Permit to continue indefinitely. A general education teacher should be able to complete the requirements for an appropriate supplementary authorization or pass the examinations for the Multiple or Single Subject Teaching Credential within a three-year period.

***Proposed Amendments to §80027***

**§80027 Title and (a)** The wording of ‘General Education’ and the ‘s’ on the words ‘permit’ and ‘include’ is added for clarification that this permit, either in the area of multiple or single subject, is for a general education assignment.

**§80027(a)(3), (a)(6), (b), (b)(2), (b)(3), and (b)(6), and (d)** The additional language adds clarification that this permit is only for general education assignments.

**§80027(a)(4)** The language clarifies that the required teaching experience must be aligned with the authorization of the permit and the number of years of experience required to be assigned as an experienced educator.

**§80027(a)(5) and (c)(1)** The authorization listed on the General Education Multiple Subject Limited Assignment Permit is added for clarity.

**§80027(a)(7)** Language was removed that the applicant submitted the application. Materials must be submitted through an employing agency to match the wording in subsection (b)(3).

**§80027(a)(7)(A) and (b)(3)(A)** Language to reference the specific application form, including the instructions to complete the form, that applicants applying for issuance and renewal of a General Education Limited Assignment Permit must use to provide the information needed to process the application including birth date, social security number, and current address and also responding to professional fitness questions and signing an oath and affidavit is referenced.

**§80027(a)(7)(B) and (b)(3)(B)** Language to clarify the fee required for issuance and renewal of a General Education Limited Assignment Permit is referenced.

**§80027(b)(3)(C)** The proposed change is to allow either completion of course work or passage of examinations, as provided in Education Code sections 44280, 44281, and 44282, to meet the renewal requirements for the permit. Effective July 1, 2004, the Commission determined that the only route to meet the subject matter competence requirement for a multiple subject credential is through examination. Completion of course work would not allow the permit holder to earn full certification. The proposed change would also allow permit holders working towards a single subject credential to complete the examination route in addition to the current course work route.

To use the examination option, the individual must take all examinations appropriate to the type of permit requested, multiple or single subject, and must pass two sections. The number of examination sections required to meet subject matter competence for Multiple and Single Subject Credentials varies from two to four sections. If one or more sections have been previously passed, the individual must pass the remaining one or two sections, as appropriate.

**§80027(b)(5)** The validation of professional development option was originally available for all types of emergency permits which included the Emergency Limited Assignment Permit. The ‘emergency’ status was removed from the Limited Assignment Permit in 2001. In 2002, the Commission promulgated regulations to delete the professional development option for renewal of all emergency permits. Since the Limited Assignment Permit had lost its ‘emergency’ status, they were not included in the regulation change. To align with the original decision to delete the professional development as a renewal requirement for emergency permits, the Commission is proposing deletion of the option for renewal of the Limited Assignment Permit.

**80027(c)(1) (2)** The language clarifies that this permit is only for general education and adds the authorized field listed on the multiple subject permit.

**§80027(d)** The additional language clarifies that this permit is only for general education. The Limited Assignment Permit requires a prerequisite credential and the expiration date of the permit cannot be later than the expiration date of the required prerequisite credential.

**§80027(d)(1)** Requirements to extend a Limited Assignment Permit that has been issued for less than one calendar year because the prerequisite credential has expired are detailed.

#### *Summary of Existing Laws and Regulations*

##### *Special Education Limited Assignment Permit*

The Limited Assignment Permit has been issued only to holders of general education credentials as they complete requirements to add an additional authorization to their general education credential. Regulations are being proposed for a Special Education Limited Assignment Permit for the same purpose. The first step in the establishment of the new permit is to amend Title 5 section 80027 to clarify that the section is only for general education.

In 2006, the Commission promulgated regulations to sunset the Emergency Multiple Subject, Single Subject and Education Specialist Teaching Permits and established the Provisional Internship (PIP) and Short-Term Staff (STSP) Permits. The intent of the PIP is to allow an individual two years to meet subject-matter competence to enroll in an internship program to earn a full credential. As a result of this change, holders of preliminary or clear Education

Specialist Credentials who previously could have earned an Emergency Education Specialist Permit if teaching outside the subject area of their credential no longer qualified for the PIP since subject-matter competence has already been verified for the Education Specialist Credential. The STSP is available but may only be issued once. Regardless whether a STSP is issued, there is no option to earn an ‘emergency’ type of permit in special education for more than one year to allow the individual sufficient time to earn an additional authorization.

Creating a Special Education Limited Assignment Permit will allow individuals the opportunity and the time (up to three years) to complete the course work necessary to enroll in a special education internship program or to earn an Added Authorization in Special Education. In addition, it allows flexibility for the local employing agencies especially in rural and remote areas of the state to assign an individual to serve students in more than one specialty area and for the teacher to be assigned to serve students in more than one special education specialty area.

One difference from the General Education Limited Assignment Permit, the Special Education Limited Assignment requires a minimum of three semester units or one year of experience for initial issuance. This is the same criteria required in the Local Teaching Assignment Option in AB 2302 (Education Code §44265.1).

There is a restriction on the number of years a teacher may serve on a Special Education Limited Assignment Permit. Since six semester units of course work appropriate to the credential are required for reissuance, it is not necessary to allow assignments on a Special Education Limited Assignment Permit to continue indefinitely. An individual should be able to complete the requirements for an appropriate added authorization in special education or to enter an internship program within a three-year period.

### ***Proposed Changes to Regulation***

#### ***Proposed Addition of §80027.1***

**§80027.1(a)(1) and (b)(4)** A Declaration of Need includes an estimate of the number of emergency and limited assignment permits an employer will be requesting each year as provided in Title 5 section 80026.

**§80027.1(a)(2) and (b)(1)** Current employment is needed to ensure that the individual is familiar with the school.

**§80027.1(a)(3) and (b)(2)** An appropriate prerequisite credential in special education is required to ensure the individual has the requisite knowledge of special education to serve in an additional special education specialty area.

**§80027.1(a)(4)** Individuals assigned outside the subject area of their prerequisite credential need additional support from an experienced educator in the specialty area if the individual has not yet obtained permanent status.

**§80027.1(a)(5)** The specialty areas allowed for the Special Education Limited Assignment Teaching Permit align with those for the preliminary or clear Education Specialist Credential.

**§80027.1(a)(6) and (b)(6)** An individual is authorized to teach within the subject area(s) of the credential issued. If the individual is serving outside the subject area(s), the teacher needs to consent to the additional assignment.

**§80027.1(a)(7)(A) and (b)(3)(A)** Language to reference the specific application form, including the instructions to complete the form, that applicants applying for issuance and renewal of a Special Education Limited Assignment Permit must use to provide the information needed to process the application including birth date, social security number, and current address and also responding to professional fitness questions and signing an oath and affidavit is referenced.

**§80027.1(a)(7)(B) and (b)(3)(B)** Language to clarify the fee required for issuance of a Special Education Limited Assignment Permit is referenced.

**§80027.1(a)(7)(C)** One addition to the requirements that is different from the General Education Multiple and Single Subject Limited Assignment Permit is a specific number of units of course work or experience in the requested specialty area required for initial issuance. The complexity of each special education specialty area warrants the extra subject matter knowledge prior to initial issuance of the permit. This criteria mirrors the requirement in Education Code §44265.1.

**§80027.1(b)(3)(C)** The renewal requirements allow the permit holder to complete course work to verify progress towards completion of a full authorization.

**§80027.1(b)(5)** The limitation of the number of issuances of the permit allows the individual the time to complete an additional authorization in the area of the permit

**§80027.1(c)** The authorization of the Special Education Limited Assignment Teaching Permit aligns with the authorization for the preliminary or clear Education Specialist Credential.

**§80027.1(d)** The Limited Assignment Permit requires a prerequisite credential and the expiration date of the permit cannot be later than the expiration date of the required prerequisite credential.

**§80027.1(d)(1)** Requirements to extend a Limited Assignment Permit that has been issued for less than one calendar year because the prerequisite credential has expired are detailed.

*Summary of Existing Laws and Regulations*  
*Added Authorizations in Special Education*

For many years, the Commission has issued ‘added authorizations’ which are similar to minors to general education credential holders. Currently, the Commission issues supplementary and subject matter authorizations that may be added to multiple subject and single subject teaching credentials. The Commission has issued supplementary authorizations for single subject credentials since 1979 and multiple subject credentials since 1981. Subject matter authorizations were developed in response to the Federal *No Child Left Behind Act* of 2001 (NCLB) in 2004.

Supplementary and subject matter authorizations are commonly used at the middle and high schools in a variety of assignments. At the middle school level, they are used in core settings and departmentalized classes outside the subject of the teacher’s credential. At the high school level, the supplementary and subject matter authorizations are used to offer additional classes in

subjects such as drafting, economics, literature, and psychology. In addition, elementary schools use holders of added authorizations to teach physical education, art, music, and science to students during the self-contained classroom teacher's prep period.

Effective June 30, 2008, Assembly Bill (AB) 2302 (Chap. 41, Stats. 2008) established an alternate route (commonly called a Local Teaching Assignment Option) for assigning holders of specific special education credentials to provide special education instructional services to students with autism in California public schools. The provisions of this statute become inoperative two years after the Commission adopts regulations to add an autism added authorization or on August 31, 2011, whichever is first.

AB 2302 was emergency legislation and was created as a temporary solution until more permanent changes could be made. While AB 2302 addressed only the shortage of teachers to serve the number of newly diagnosed children with autism, the Commission's Special Education Work Group and Design Team expanded the list of possible added authorizations to other statewide special education specialty shortage areas. The Work Group and Design Team determined additional methods should be available to holders of current and previously issued special education credentials to add expertise in areas of special education that were not part of their original authorization.

The Commission is proposing the establishment of six Added Authorizations in Special Education: autism spectrum disorders, deaf-blind, emotional disturbance, orthopedic impairment, other health impaired, and traumatic brain injury. Each of these proposed authorizations are parts of other full special education authorizations. These added authorizations will allow the holder to be prepared in focused, limited areas where there is a need for that specific service. The preparation received may be used to meet the requirements for the full authorization if the teacher wishes to earn that authorization. The Commission does not issue duplicative authorizations. If the individual is authorized to provide services in a specialty area, the Commission will not issue the added authorization.

The Added Authorizations in Special Education would be available through completion of a Commission-approved program based on Commission-approved standards. The authorization would provide specific advanced preparation for the teacher. Added Authorization programs will lead to expanded expertise for teachers and improved services to special needs students through a streamlined, non-redundant process. Commission Added Authorizations in Special Education would allow holders of Education Specialist Credentials as well as previously issued special education credentials to expand their authorizations without obtaining a new full special education specialty area. The Added Authorizations in Special Education will allow flexibility for the local employing agencies to assign an individual to serve students in more than one specialty area as well as for the teacher to be able to be appropriately assigned in a class with students needing services in more than one specialty area.

### ***Proposed Changes to Regulation***

#### ***Proposed Addition of §80048.7***

**§80048.7(a)(1)** The minimum requirements for an Added Authorization in Special Education is described to include holding a special education credential in another specialty area which is

based on completion of a bachelor's degree, special education teacher preparation program and student teaching.

**§80048.7(a)(2)** Completion of an approved program is the method of verifying completion of the content for the added authorization.

**§80048.7(a)(3)** Language to reference the specific application form, including the instructions to complete the form, that applicants applying for issuance of an Added Authorization in Special Education must use to provide the information needed to process the application including birth date, social security number, and current address and also responding to professional fitness questions and signing an oath and affidavit is referenced.

**§80048.7(a)(4)** Language to clarify the fee required for issuance of an Added Authorization in Special Education is referenced.

**§80048.7(a)(5)** Clarification that only approved programs may verify completion of the requirements and recommend for issuance of an added authorization is included in this subsection.

**§80048.7(b)** The specific specialty areas in which Added Authorizations may be issued are listed.

**§80048.7(c)** The Commission does not issue duplicative authorizations. If an individual is authorized to provide the instructional services on another document, the Added Authorization will not be issued.

**§80048.7(d)** The authorization for the Added Authorizations are aligned with the definitions in Title 34 of the Code of Federal Regulations.

**§80048.7(e)** The Added Authorization requires a prerequisite credential and the Added Authorization remains valid for the same time period that prerequisite credential is valid.

**Documents Incorporated by Reference:**

Form 41-4 (rev 9/08), instructions (rev 9/08), and form 41-ECC (rev 7/08).

**Documents Relied Upon in Preparing Regulations:**

Individuals with Disabilities Education Act (IDEA) Part B Regulations [(34 CFR Part 300 and 20 U.S.C. 1401(3); 1401(30)]

*Report on the Study of Special Education Certification: A Report to the Governor and Legislature as Required by SB 1209 (Chap.517, Stats, 2006)*

**Disclosures Regarding the Proposed Actions**

The Commission has made the following initial determinations:

*Mandate to local agencies or school districts:* None.

*Other non-discretionary costs or savings imposed upon local agencies:* None.

*Cost or savings to any state agency:* None.

*Cost or savings in federal funding to the state:* None.

*Significant effect on housing costs:* None.

*Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states:* None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

*Cost impacts on a representative private person or business:* The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

*Assessment regarding the creation or elimination of jobs in California [Govt. Code §11346.3(b)]:* The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

*Effect on small businesses:* The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The regulations are not mandatory but an option that affects school districts and county offices of education.

### **Consideration of Alternatives**

The Commission must determine that no alternative considered will be more effective in carrying out the purpose for which the action is proposed or will be as effective as and less burdensome to affected private persons or small businesses than the proposed action. These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

### **Contact Person/Further Information**

General or substantive inquiries concerning the proposed action may be directed to Terri H. Fesperman by telephone at (916) 323-5777 or Terri H. Fesperman, California Commission on Teacher Credentialing, 1900 Capitol Ave, Sacramento, CA 95814. General question inquiries may also be directed to Janet Bankovich at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's web site at [www.ctc.ca.gov](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.



**Availability of Statement of Reasons and Text of Proposed Regulation**

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

**Modification of Proposed Action**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

**Availability of Final Statement of Reasons**

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's web site at [www.ctc.ca.gov](http://www.ctc.ca.gov) or you may obtain a copy by contacting Terri H. Fesperman at (916) 323-5777.

**Availability of Documents on the Internet**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at [www.ctc.ca.gov](http://www.ctc.ca.gov).